

2009 DRAFTING REQUEST

Bill

Received: **12/02/2008**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Miner**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - nav. waters**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Miner, BB0239 -

Topic:

Dam inspection requirements

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	rkite 12/03/2008	wjackson 12/03/2008	phenry 12/04/2008	_____	sbasford 12/04/2008		
/1	rkite 12/18/2008	wjackson 12/18/2008	mduchek 12/19/2008	_____	mbarman 12/19/2008		

FE Sent For:

<END>

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/P1	rkite 12/03/2008	wjackson 12/03/2008	phenry 12/04/2008	_____	sbasford 12/04/2008		

FE Sent For:

1 WJ 12/18

MD
12/18

MD
12/18
<END>

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/?	rkite	/pl wlj 12/3	12/4 ph	12/4 ph/md			
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FE Sent For:

<END>

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MD
12/19
MRS
12/19

2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Dam Inspection Requirement Changes
 - Tracking Code: BB0239
 - SBO team: Agriculture, Environment and Justice
 - SBO analyst: Andrew Miner AM 12/01/08
 - Phone: 266-1103
 - Email: andrew.miner@wisconsin.gov
 - Agency acronym: DNR
 - Agency number: 370
 - Priority (Low, Medium, High): High
-
- Intent: Make the following changes to statutory requirements regarding mandatory dam inspections. See attached sheet for language suggestions.
 1. Establish language that identifies minimum mandatory inspection rates according to high, significant and low hazard levels (details on attached sheet, #1).
 2. Modify definition of dams included in the mandatory inspection program so that all large-state regulated dams are included, not just those in navigable waters (#2 on attached sheet).
 3. Modify the definition of a large dam as indicated by #3 on attached sheet.

Dam Safety – Statutory Options for Improving the Rate of Inspection

Chapter 31.19 (2) requires that all the large dams in navigable waters are inspected at least once every 10 years. There are approximately 930 state regulated large dams the state. Inspections of Wisconsin's dams are the first step in the process to ensure public health and safety. Dam safety inspections serve to identify dams with safety deficiencies and familiarize dam safety staff with the dams in their area of responsibility.

All high hazard dams in the state have current inspections. However, given their current responsibilities, dam safety staff will not be able to maintain the statutory inspection rates for many of the other large dams in the state without statutory changes or additional staff.

This proposal would change statutory language to base inspection frequency on the potential hazard posed by each dam. It also places some of the inspection responsibility on the dam owner while setting the inspection rate at a level that can be met with existing staff levels.

The proposed statutory language changes are as follows:

1. Establish Language That Identifies Minimum Mandatory Inspection Rates

- High Hazard Dams, where failure would cause probable loss of life, shall be inspected by the state once every 10 years. Owners must have a Professional Engineer inspect their dam every 2 years between state inspections and submit a report of findings and recommendations to the department.
- Significant Hazard Dam, where failure would cause significant property damage but loss of life is not probable, shall be inspected by the state once every 10 years. Owners must have a Professional Engineer inspect their dam every 3 years between state inspections and submit a report of findings and recommendations to the department.
- Low Hazard Dams, where failure will have minimal potential for impact on life or property, must have an owner initiated inspection by a Professional Engineer once every 10 years and submit a report of findings and recommendations to the department.

2. Modify Definition of Dams Included in the Mandatory Inspection Program – all large, state-regulated dams should be included in this requirement, not just those “maintained in or across navigable waters”. Dam failure consequences are the same no matter what type of watercourse is impounded.

3. Modify Large Dam Criteria – Change Chapter 31.19(1)(b) to read, “*It has a structural height of more than 6 feet and impounds ~~more than~~ 50 acre-feet or more of water*”. This small change will bring the large dam criteria in line with the federal definition of a dam large enough to be a public safety hazard.

These changes accomplish the following;

- The dam safety program will be able to meet the proposed statutory-mandated inspection rate with existing staff levels. Department staff will periodically inspect those dams with hazard potential. The lighter inspection load will allow staff to spend more time working with owners on follow-up on inspection directives, plan review, construction inspection and compliance monitoring.
- FEMA's Model Dam Safety Program recommends inspection rates of annually for high hazard dams, 2-3 years for significant hazard dams and every 5 years for low hazard dams. While the proposed language change will replicate the national model, it is a step in that direction and will significantly increase inspection frequency of the dams that pose greatest public risk
- Having the department responsible for the mandatory inspections of the large dams has had the effect of making some owners feel less responsibility for their dams. Owners will be directly responsible for part of inspection load which may ultimately lead to a greater awareness of the need to properly maintain their dams. The dams will also be inspected more frequently so their condition may not deteriorate as much between inspections and repairs can be initiated when the damage is still minor.

These new requirements will place a greater financial burden on dam owners. The department will also need to do some up front work setting standards for the inspection process and preparing guidance for the consultants that will be responsible for the owner-initiated inspections.



State of Wisconsin
2009 - 2010 LEGISLATURE

RM min
P1
LRB-0973/3
RNK: /....
WLJ

DOA:.....Miner, BB0239 - Dam inspection requirements

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

In 12/3

D-Note

Do Not Gen

1

AN ACT ...; relating to: inspection requirements for large dams.

the budget

Analysis by the Legislative Reference Bureau

✓ NATURAL RESOURCES

one ✓ NAVIGABLE WATERS ✓ STEI

Current law requires the Department of Natural Resources (DNR) to conduct a detailed inspection of each large dam that is maintained or operated in or across navigable waters. A large dam is a dam that is at least 25 feet high and impounds more than 15 acre-feet of water or that is more than 6 feet high and impounds more than 50-acre feet of water. This bill makes changes to the inspection requirements for large dams depending on whether they are classified by DNR as a high hazard, significant hazard, or low hazard dam.

Under this bill, a high hazard dam is a large dam, the failure of which, would probably cause loss of human life. A significant hazard dam is a large dam, the failure of which, would probably cause significant property damage but would probably not cause loss of human life. A low hazard dam is a large dam, the failure of which, would probably not cause significant property damage or loss of human life. The bill requires DNR to inspect high hazard dams and significant hazard dams once every 10 years. It requires each owner of a large dam, regardless of the dam's classification, to engage a professional engineer to inspect the owner's dam on a regular basis. The bill requires an owner of a high hazard dam to have the dam inspected once every 2 years, an owner of a significant hazard dam to have the dam inspected once every 3 years, and the owner of a low hazard dam to have the dam

SP

inspection
inspected once every 10 years. The bill specifies that the owner must submit a report of the investigation to DNR.

Under current law, DNR's inspection authority covers only those large dams maintained or operated in or across navigable waters. This bill provides that the inspection requirements imposed upon DNR and upon dam owners apply to all large dams, not just those maintained or operated in or across navigable waters.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 31.19 (1) of the statutes is renumbered 31.19 (1m) and amended to
2 read:

3 **31.19 (1m)** DETERMINATION OF DAM SIZE. For the purposes of this section, a dam
4 is considered to be a large dam if either of the following applies:

5 (a) It has a structural height of 25 feet or more and impounds more than 15
6 acre-feet of water; ~~or~~.

7 (b) It has a structural height of more than 6 feet and impounds ~~more than~~ 50
8 acre-feet or more of water.

History: 1975 c. 349, 421; 1983 a. 27; 1989 a. 31.

9 **SECTION 2.** 31.19 (1g) of the statutes is created to read:

10 **31.19 (1g)** DEFINITIONS. In this section:

11 (a) "High hazard dam" means a large dam, the failure of which, would probably
12 cause loss of human life.

13 (b) "Low hazard dam" means a large dam, the failure of which, would probably
14 not cause significant property damage or loss of human life.

15 (c) "Significant hazard dam" means a large dam, the failure of which, would
16 probably cause significant property damage but would probably not cause loss of
17 human life.

18 **SECTION 3.** 31.19 (2) (title) of the statutes is amended to read:

1 31.19 (2) (title) ~~DECENNIAL~~ LARGE DAM INSPECTION.

History: 1975 c. 349, 421; 1983 a. 27; 1989 a. 31.

2 **SECTION 4.** 31.19 (2) (a) (title) of the statutes is repealed and recreated to read:

3 31.19 (2) (a) (title) *Inspection by the department.*

4 **SECTION 5.** 31.19 (2) (a) of the statutes is amended to read:

5 31.19 (2) (a) ~~Requirement~~ Except as provided under par. (b), at least once every
6 10 years the department shall conduct a detailed inspection of each high hazard dam
7 ~~which is maintained or operated in or across navigable waters and each significant~~
8 hazard dam.

History: 1975 c. 349, 421; 1983 a. 27; 1989 a. 31.

9 **SECTION 6.** 31.19 (2) (ag) of the statutes is created to read:

10 31.19 (2) (ag) *Owner responsibility.* 1. The owner of each high hazard dam,
11 each significant hazard dam, and each low hazard dam shall engage a professional
12 engineer registered under s. 443.04 to inspect the dam as specified in this
13 subdivision. A high hazard dam shall be inspected at least once every 2 years. A
14 significant hazard dam shall be inspected at least once every 3 years. A low hazard
15 dam shall be inspected at least once every 10 years. The owner of a dam required
16 to be inspected under this paragraph shall submit ^{to the department} a report of the results of the
17 inspection, including findings and recommendations, to the department.

18 2. The department's inspection of a dam under par. (a) satisfies the owner's
19 inspection obligation for a coinciding inspection period.

20 **SECTION 7.** 31.19 (2) ^(ar) ~~(ag)~~ of the statutes is created to read:

21 31.19 (2) ^(ar) ~~(ag)~~ *Dam classification.* The department shall determine whether a
22 dam is a high hazard, significant hazard, or low hazard dam for the purpose of this
23 subsection.

24 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0973/2dn

RNK:.....

WJ

Date

Andrew Miner:

I have prepared this draft as a preliminary draft because some issues are not resolved in this version of the draft.

The draft imposes different inspection requirements on large dam owners and on DNR, depending on whether a dam is a high, significant, or low hazard dam. I have included a provision requiring DNR to classify each large dam so that an owner would know which inspection requirement applies to his or her dam. But the draft does not provide a method for this determination. Should the owner file a request for classification? Should DNR classify all dams before the requirement for inspection takes effect? How will DNR give notice to a dam owner of the dam's classification? I think that the draft should address these issues.

Also, the draft requires DNR to inspect each high hazard and significant hazard dam every 10 years and requires dam owners to inspect their dams every 2 or 3 years, respectively. The draft provides that DNR's 10 year inspection satisfies the owner's inspection obligation for a period coinciding with the DNR inspection period. I think that this provision requires more detail. What if DNR's 10 year inspection falls in the middle of an owner's 2 or 3 year inspection cycle? How does the owner determine if DNR's inspection suffices for the period?

As requested, the draft requires dam owners to provide a report of each dam inspection to DNR. Should the draft specify a deadline for providing the report? Also, the draft requires the report to include "findings and recommendations." I think that this language is vague. What recommendations should be included? Recommendations for improving safety, for example?

Finally, is this inspection requirement prospective? What if an owner of a significant hazard dam had the dam inspected by DNR the year before this proposal takes effect? Does that owner have to have the dam inspected in 2 years (because one year has elapsed by the time this proposal takes effect) or does the owner's 3 year inspection period begin to run when this proposal takes effect? Similarly, if DNR inspected a dam 5 years ago, does DNR have to inspect the dam in 5 years or not until 10 years after the proposal's effective date? I think that the draft should also address this issue.

I would be happy to discuss these issues with you in more detail if you have any questions.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0973/P1dn
RNK:wlj:ph

December 4, 2008

Andrew Miner:

I have prepared this draft as a preliminary draft because some issues are not resolved in this version.

The draft imposes different inspection requirements on owners of large dams and on DNR, depending on whether a dam is a high, significant, or low hazard dam. I have included a provision requiring DNR to classify each large dam so that an owner would know which inspection requirement applies to his or her dam. But the draft does not provide a method for this determination. Should the owner file a request for classification? Should DNR classify all dams before the requirement for inspection takes effect? How will DNR give notice to a dam owner of the dam's classification? I think the draft should address these issues.

Also, the draft requires DNR to inspect each high hazard and significant hazard dam every ten years and requires dam owners to inspect their dams every two or three years, respectively. The draft provides that DNR's ten-year inspection satisfies the owner's inspection obligation for a period coinciding with the DNR inspection period. I think this provision requires more detail. What if DNR's ten-year inspection falls in the middle of an owner's two- or three-year inspection cycle? How does the owner determine if DNR's inspection suffices for the period?

As you requested, the draft requires dam owners to provide to DNR a report of each dam inspection. Should the draft specify a deadline for providing the report? Also, the draft requires the report to include "findings and recommendations." I think this language is vague. What recommendations should be included? Recommendations for improving safety, for example?

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I would be happy to discuss these issues with you in more detail if you have any questions.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

Kite, Robin

From: Miner, Andrew - DOA [Andrew.Miner@Wisconsin.gov]
Sent: Wednesday, December 17, 2008 1:51 PM
To: Kite, Robin
Subject: RE: LRB Draft: 09-0973/P1 Dam inspection requirements

Robin,
Please proceed with the changes to the language under item 4. Thanks,
Andrew

From: Kite, Robin [mailto:Robin.Kite@legis.wisconsin.gov]
Sent: Wednesday, December 17, 2008 10:27 AM
To: Miner, Andrew - DOA
Subject: RE: LRB Draft: 09-0973/P1 Dam inspection requirements

Andrew:

I will make the changes in items 5 and 6. Also, the penalty under s. 31.23 (2) will apply to this draft unless you would like a different penalty to apply. And as for the suggested wording in item 4, I think that this approach would work. Let me know if you want me to proceed with the item 4 suggested language.

Robin

From: Miner, Andrew - DOA [mailto:Andrew.Miner@Wisconsin.gov]
Sent: Tuesday, December 16, 2008 11:51 AM
To: Kite, Robin
Subject: FW: LRB Draft: 09-0973/P1 Dam inspection requirements

Hi Robin,

Please see the email below from DNR with answers to your questions in the note to the dam inspection draft. Please make the changes outlined in #5 and #6. Also, is the assumption on their final question about a penalty of these provisions – that it would be covered under 31.23 (2) – correct?

The suggested wording change in #4 is more significant and I probably won't know what to tell you on that one for a few days. Do you have any thoughts about their proposal?

Please let me know if you have any more questions or concerns. Thanks,
Andrew

From: Neumann, Paul F - DNR
Sent: Friday, December 12, 2008 11:19 AM
To: Miner, Andrew - DOA
Cc: Polasek Jr, Joseph P - DNR
Subject: FW: LRB Draft: 09-0973/P1 Dam inspection requirements

Andrew,

Responses to the LRB drafting questions are in red font below.

Thanks,
Paul

12/17/2008

From: Neumann, Paul F - DNR
Sent: Thursday, December 11, 2008 11:13 AM
To: Galloway, Meg M - DNR
Subject: RE: LRB Draft: 09-0973/P1 Dam inspection requirements

Meg,

Can you review and edit this Q&A format that I have put together as response to the drafting attorney's questions?

1. Should the owner file a request for classification?

Most owners should know their classification if we have inspected their dam in than past. I think we will need to notify all affected owners of this inspection requirement when it takes affect. At that time we will remind them of the hazard rating for the dam and if there is anything they could do that would alter that assignment.

2. Should DNR classify all dams before the requirement for inspection takes effect?

The process for assigning a hazard rating to a dam is labor intensive and expensive. In lieu of assigning a formal hazard rating, the Department would make sure that all large, state-regulated dams would have either an assigned or estimated hazard rating.

3. How will DNR give notice to a dam owner of the dam's classification?

The Department will need to send out a letter to all dam owners.

4. What if DNR's ten-year inspection falls in the middle of an owner's two- or three-year inspection cycle? How does the owner determine if DNR's inspection suffices for the period?

The 10-year inspection cycle for each dam would begin with the first state inspection following the effective date of this language. Therefore, each dam would essentially have its own 10-year inspection cycle. Would it be easier to rework the language so that owners of high hazard dams would be required to have the dam inspected a minimum of 4 times between state inspections, that owners of significant hazard dams would be required to have the dam inspected a minimum of 2 times between state inspections, and that owners of low hazard dams would be required to have the dam inspected once every 10 years? Our thought is that this substitute language would be especially helpful for spacing out the significant hazard inspection cycle since the way the draft is worded, the owner would be required to have the dam inspected 9 years after a state inspection followed by a state-led inspection the year after.

5. As you requested, the draft requires dam owners to provide to DNR a report of each dam inspection. Should the draft specify a deadline for providing the report?

We would like the report to be submitted to DNR within 3 months of the inspection day.

6. Also, the draft requires the report to include "findings and recommendations." I think this language is vague. What recommendations should be included? Recommendations for improving safety, for example?

The report should at a minimum include information on the deficiencies of the dam as well as recommendations for addressing those deficiencies and thus improving the safety and structural integrity of the dam. The program would provide guidance to owners and their consultants about the inspection and reporting requirement.

7. Finally, is this inspection requirement prospective? What if an owner of a significant hazard dam had the dam inspected by DNR the year before this proposal takes effect? Must that owner have the dam

inspected in two years (because one year will have elapsed by the time this proposal takes effect) or does the owner's three-year inspection period begin to run when this proposal takes effect? Similarly, if DNR inspected a dam five years ago, must DNR inspect the dam in five years or not until ten years after the proposal's effective date? I think the draft should also address this issue.

See response to question #4. Also, some owners may start in the middle of a 10 year cycle because we may have recently inspected the dam. We would go through all of the inspections and try to set up inspection cycles that balances workload for our inspection staff. We would then notify the owner of their required inspection dates in the letter that introduces that requirement.

On a related topic, we notice that the draft does not include a penalty provision for dam owners that do not comply with the inspection requirements. Would the penalty be included in s. 31.23 (2)?



State of Wisconsin
2009 - 2010 LEGISLATURE

RM run
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LRB-0973/PT
RNK:wlj:ph

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Stays

DOA:.....Miner, BB0239 - Dam inspection requirements

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

DNR must classify each dam in this state as a
* high hazard, significant hazard, or low hazard dam.
The bill provides that

Do Not Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

NAVIGABLE WATERS

Current law requires DNR to conduct a detailed inspection of each large dam that is maintained or operated in or across navigable waters. A large dam is one that is at least 25 feet high and impounds more than 15 acre-feet of water or that is more than 6 feet high and impounds more than 50-acre feet of water. This bill makes changes to the inspection requirements for large dams depending on whether they are classified by DNR as a high hazard, significant hazard, or low hazard dam.

Under this bill, a "high hazard dam" is a large dam the failure of which would probably cause loss of human life. A "significant hazard dam" is a large dam the failure of which would probably cause significant property damage but would probably not cause loss of human life. A "low hazard dam" is a large dam the failure of which would probably not cause significant property damage or loss of human life. The bill requires DNR to inspect high hazard dams and significant hazard dams once every ten years. It requires each owner of a large dam, regardless of the dam's classification, to engage a professional engineer to inspect the owner's dam on a regular basis. The bill requires an owner of a high hazard dam to have the dam inspected once every two years, an owner of a significant hazard dam to have the dam inspected once every three years, and the owner of a low hazard dam to have the dam inspected once every ten years. The bill specifies that the owner must submit a report of the inspection to DNR.

The bill also

Not

The frequency of the required inspection is based upon the dam's classification.
↑ hazard

Under current law, DNR's inspection authority covers only those large dams maintained or operated in or across navigable waters. This bill provides that the inspection requirements imposed upon DNR and upon dam owners apply to all large dams, not just those maintained or operated in or across navigable waters.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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2 read:

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4 is considered to be a large dam if either of the following applies:

5 (a) It has a structural height of 25 feet or more and impounds more than 15
6 acre-feet of water; ~~or,~~

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8 acre-feet or more of water.

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16 probably cause significant property damage but would probably not cause loss of
17 human life.

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19 **31.19 (2) (title) DECENNIAL LARGE DAM INSPECTION.**

20 **SECTION 4.** 31.19 (2) (a) of the statutes is amended to read:

1 31.19 (2) (a) *Requirement Inspection by the department.* Except as provided
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3 inspection of each high hazard dam which is maintained or operated in or across
4 navigable waters and each significant hazard dam.

5 **SECTION 5.** 31.19 (2) (ag) of the statutes is created to read:

6 31.19 (2) (ag) *Owner responsibility.* 1. ^{Owners}~~The owner~~ of each high hazard dam,
7 each significant hazard dam, and each low hazard dam shall engage a professional
8 engineer registered under s. 443.04 to inspect the dam as specified in this
9 ^{subdivision}~~paragraph~~ A high hazard dam shall be inspected at least once every 2 years. A
10 significant hazard dam shall be inspected at least once every 3 years. A low hazard
11 dam shall be inspected at least once every 10 years. ^{2/30} The owner of a dam required
12 to be inspected under this paragraph shall submit to the department a report of the
13 results of the inspection, including findings and recommendations.

14 2. The department's inspection of a dam under par. (a) satisfies the owner's
15 inspection obligation for a coinciding inspection period.

16 **SECTION 6.** 31.19 (2) (ar) of the statutes is created to read:

17 31.19 (2) (ar) *Dam classification.* The department shall determine whether a
18 ^{in this state as} dam ~~is~~ a high hazard, significant hazard, or low hazard dam for the purpose of this
19 section. ^{classify each}

20 (END)

^{no later than 90 days after the date of the inspection}

^{No IT} The report shall include information on any deficiencies
in the dam, ^{recommendations for addressing those}
deficiencies, ^{and recommendations on improving}
the safety and structural integrity of the dam. ¹

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0973/1ins.
RNK:.....

INSERT 3-8

- 1 2. An owner of a high hazard dam shall cause the dam to be inspected at least
- 2 4 times between each inspection conducted by the department under par. (a). An
- 3 owner of a significant hazard dam shall cause the dam to be inspected at least 2 times
- 4 between each inspection conducted by the department under par. (a). An owner of
- 5 a low hazard dam shall cause the dam to be inspected at least once every 10 years.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0973/1
RNK:wlj:md

DOA:.....Miner, BB0239 - Dam inspection requirements

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

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NAVIGABLE WATERS

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Under this bill, DNR must classify each dam in this state as a high hazard, significant hazard, or low hazard dam. The bill provides that a "high hazard dam" is a large dam the failure of which would probably cause loss of human life. A "significant hazard dam" is a large dam the failure of which would probably cause significant property damage but would probably not cause loss of human life. A "low hazard dam" is a large dam the failure of which would probably not cause significant property damage or loss of human life. The bill requires DNR to inspect high hazard dams and significant hazard dams once every ten years. The bill also requires each owner of a large dam, regardless of the dam's classification, to engage a professional engineer to inspect the owner's dam on a regular basis. The frequency of the required inspection is based upon the dam's hazard classification. The bill specifies that the owner must submit a report of the inspection to DNR.

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The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 31.19 (1) of the statutes is renumbered 31.19 (1m) and amended to
2 read:

3 **31.19 (1m) DETERMINATION OF DAM SIZE.** For the purposes of this section, a dam
4 is considered to be a large dam if either of the following applies:

5 (a) It has a structural height of 25 feet or more and impounds more than 15
6 acre-feet of water; ~~or,~~

7 (b) It has a structural height of more than 6 feet and impounds ~~more than~~ 50
8 acre-feet or more of water.

9 **SECTION 2.** 31.19 (1g) of the statutes is created to read:

10 **31.19 (1g) DEFINITIONS.** In this section:

11 (a) "High hazard dam" means a large dam the failure of which would probably
12 cause loss of human life.

13 (b) "Low hazard dam" means a large dam the failure of which would probably
14 not cause significant property damage or loss of human life.

15 (c) "Significant hazard dam" means a large dam the failure of which would
16 probably cause significant property damage but would probably not cause loss of
17 human life.

18 **SECTION 3.** 31.19 (2) (title) of the statutes is amended to read:

19 **31.19 (2) (title) ~~DECENNIAL~~ LARGE DAM INSPECTION.**

20 **SECTION 4.** 31.19 (2) (a) of the statutes is amended to read:

31.19 (2) (a) *Requirement Inspection by the department.* Except as provided under par. (b), at least once every 10 years the department shall conduct a detailed inspection of each high hazard dam ~~which is maintained or operated in or across navigable waters~~ and each significant hazard dam.

SECTION 5. 31.19 (2) (ag) of the statutes is created to read:

31.19 (2) (ag) *Owner responsibility.* 1. Owners of each high hazard dam, each significant hazard dam, and each low hazard dam shall engage a professional engineer registered under s. 443.04 to inspect the dam as specified in this paragraph.

2. An owner of a high hazard dam shall cause the dam to be inspected at least 4 times between each inspection conducted by the department under par. (a). An owner of a significant hazard dam shall cause the dam to be inspected at least 2 times between each inspection conducted by the department under par. (a). An owner of a low hazard dam shall cause the dam to be inspected at least once every 10 years.

3. The owner of a dam required to be inspected under this paragraph shall submit to the department, no later than 90 days after the date of the inspection, a report of the results of the inspection. The report shall include information on any deficiencies in the dam, recommendations for addressing those deficiencies, and recommendations on improving the safety and structural integrity of the dam.

SECTION 6. 31.19 (2) (ar) of the statutes is created to read:

31.19 (2) (ar) *Dam classification.* The department shall classify each dam in this state as a high hazard, significant hazard, or low hazard dam for the purpose of this section.

(END)